

United States Courts  
Southern District of Texas  
**FILED**

FEB 20 2014

David J. Bradley  
Clerk of Court

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

v.

ABEL LOPEZ  
ROBERTO SANTANA MEARS  
JAVIER RESENDEZ  
ARTURO GARCIA

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CRIMINAL NUMBER

**C 14 96**

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

From on or about September 25, 2013, until on or about October 29, 2013, in the Corpus Christi Division of the Southern District of Texas, and elsewhere within the jurisdiction of the Court, the defendants,

ABEL LOPEZ,  
ROBERTO SANTANA MEARS,  
JAVIER RESENDEZ,  
and ARTURO GARCIA,

did knowingly and willfully combine, conspire, confederate, and agree together, with each other, and with other persons known and unknown to the Grand Jury to commit offenses against the United States, that is: to fraudulently and knowingly export, sell, or send from the United States, attempt to export or send from the United States, and knowingly receive, conceal, buy, or sell the following firearms in a manner that facilitated the transportation, concealment, or sale of such

firearms prior to exportation, knowing the same to be intended for exportation from the United States to Mexico, contrary to any law or regulation of the United States.

Overt Acts

In furtherance of the conspiracy and to effect the objects thereof, in the Southern District of Texas, at least one of the conspirators committed and caused to be committed, at least one of the following overt acts:

1. From on or about September 25, 2013, until on or about October 29, 2013, Arturo Garcia delivered multiple firearms to Abel Lopez in order to have the firearms transported.
2. From on or about September 25, 2013, until on or about October 29, 2013, Abel Lopez delivered multiple firearms to individuals unknown to the Grand Jury in order to have the firearms transported to Mexico.
3. On October 3, 2013, Roberto Santana Mears purchased a ROMARM-CUGIR/CAI, Model GP WASR-10/63, 7.62x39 caliber rifle, Serial Number 1972EC4993 from Houston Cutlery, LLC DBA Houston Gun Shop. Although this weapon was purchased for export to Mexico, Roberto Santana Mears stated on the Form 4473 that he was the actual buyer of this weapon, when in fact he was not.
4. On October 3, 2013, Roberto Santana Mears purchased a ROMARM-CUGIR/CAI, Model GP WASR-10/63, 7.62x39 caliber rifle, Serial Number 1972CR5292 from Houston Cutlery, LLC DBA Houston Gun Shop. Although this weapon was purchased for export to Mexico, Roberto Santana Mears stated on the Form 4473 that he was the actual buyer of this weapon, when in fact he was not.
5. On October 3, 2013, Roberto Santana Mears purchased a M&M, INC, Model M10, 7.62x39 caliber rifle, Serial Number MA-17337-13RO from Houston Cutlery, LLC DBA Houston Gun Shop. Although this weapon was purchased for export to Mexico, Roberto Santana Mears stated on the Form 4473 that he was the actual buyer of this weapon, when in fact he was not.
6. On October 5, 2013, Roberto Santana Mears purchased a ROMARM-CUGIR/CAI, Model GP WASR-10/63, 7.62x39 caliber rifle, Serial Number 1972EB3100 from Eric Marcus White DBA Frontier Pawn and Gun. Although this weapon was purchased for export to Mexico, Roberto Santana Mears stated on the Form 4473 that he was the actual buyer of this weapon, when in fact he was not.

7. On October 5, 2013, Roberto Santana Mears purchased a ROMARM-CUGIR/CAI, Model GP WASR-10/63, 7.62x39 caliber rifle, Serial Number 1980KN2026 from Eric Marcus White DBA Frontier Pawn and Gun. Although this weapon was purchased for export to Mexico, Roberto Santana Mears stated on the Form 4473 that he was the actual buyer of this weapon, when in fact he was not.
8. On October 5, 2013, Roberto Santana Mears purchased a ROMARM-CUGIR/CAI, Model GP WASR-10/63, 7.62x39 caliber rifle, Serial Number 1988-ACM-1248 from Houston Cutlery, LLC DBA Houston Gun Shop. Although this weapon was purchased for export to Mexico, Roberto Santana Mears stated on the Form 4473 that he was the actual buyer of this weapon, when in fact he was not.
9. On October 8, 2013, Javier Resendez recruited co-conspirator M.D., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model O-PAP M70, 7.62x39 caliber rifle, Serial Number O-PAP007588 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.
10. On October 8, 2013, Javier Resendez recruited co-conspirator M.D., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model O-PAP M70, 7.62x39 caliber rifle, Serial Number O-PAP007900 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.
11. On October 18, 2013, Javier Resendez recruited co-conspirator M.G., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model N-PAP M70, 7.62x39 caliber rifle, Serial Number N-PAP013099 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.
12. On October 18, 2013, Javier Resendez recruited co-conspirator M.G., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model N-PAP M70, 7.62x39 caliber rifle, Serial Number N-PAP010203 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.
13. On October 18, 2013, Javier Resendez recruited co-conspirator M.G., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model N-PAP M70, 7.62x39 caliber rifle, Serial Number N-PAP010239 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.
14. On October 18, 2013, Javier Resendez recruited co-conspirator M.G., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model N-PAP M70, 7.62x39 caliber rifle, Serial Number N-PAP010030 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.
15. On October 29, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model N-PAP M70, 7.62x39 caliber rifle, Serial Number N-PAP014767 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.

16. On October 29, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model N-PAP M70, 7.62x39 caliber rifle, Serial Number N-PAP013698 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.
17. On October 29, 2013, co-conspirator Angel Aquino-Pineda, unindicted herein, was arrested in Kingsville, Texas for being in possession of thirty-five (35) AK-47 type rifles located in a hidden compartment of a 2006 Dodge Ram. Aquino-Pineda admitted to attempting to transport the firearms to Mexico. Out of the thirty-five (35) firearms in Aquino-Pineda's possession, five (5) were purchased by Roberto Santana Mears, two (2) were purchased by co-conspirator M.D., unindicted herein, on behalf of Javier Resendez, and two (2) were purchased by co-conspirator M.G., unindicted herein, on behalf of Javier Resendez.
18. On October 30, 2013, Javier Resendez recruited co-conspirator M.G., unindicted herein, to purchase on his behalf a COLT, Model 1911, .38 Super caliber pistol, Serial Number 2834612 from Houston Cutlery, LLC DBA Houston Gun Shop for the purpose of delivering it to Arturo Garcia.
19. On November 1, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model N-PAP M70, 7.62x39 caliber rifle, Serial Number N-PAP014748 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.
20. On November 1, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf ZASTAVA/CAI, Model N-PAP M70, 7.62x39 caliber rifle, Serial Number N-PAP014108 from Terry Lindsey DBA Talco Arms for the purpose of delivering it to Arturo Garcia.
21. On November 3, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf an IZHMASH (IMEZ), Model Saiga IZ-132, 7.62x39 caliber rifle, Serial Number H09180947 from K K Sales LLC Arms for the purpose of delivering it to Arturo Garcia.
22. On November 3, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf a ZASTAVA/CAI, Model M70AB2, 7.62x39 caliber rifle, Serial Number ABZ-C107854 from K K Sales LLC Arms for the purpose of delivering it to Arturo Garcia.
23. On November 9, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf a ROMARM-CUGIR/CAI, Model GP WASR-10/63, 7.62x39 caliber rifle, Serial Number 1975FX2136 from K K Sales LLC Arms for the purpose of delivering it to Arturo Garcia.

24. On November 9, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf an IO, INC, Model AK47C, 7.62x39 caliber rifle, Serial Number 024581 from K K Sales LLC Arms for the purpose of delivering it to Arturo Garcia.
25. On November 9, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf a ROMARM-CUGIR/CAI, Model GP WASR-10/63, 7.62x39 caliber rifle, Serial Number A1-5345-13 from K K Sales LLC Arms for the purpose of delivering it to Arturo Garcia.
26. On November 9, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf a ROMARM-CUGIR/CAI, Model GP WASR-10/63, 7.62x39 caliber rifle, Serial Number 1-94427-11 from Gaw Enterprises Inc. DBA PCG Sports Unlimited for the purpose of delivering it to Arturo Garcia.
27. On November 9, 2013, Javier Resendez recruited co-conspirator I.I., unindicted herein, to purchase on his behalf an Elk River Tool & Die, Model ERTD, 545x39 caliber rifle, Serial Number CC4648 from Gaw Enterprises Inc. DBA PCG Sports Unlimited for the purpose of delivering it to Arturo Garcia.

In violation Title 18, United States Code, Sections 371 and 554.

### COUNT TWO

On or about October 3, 2013, in the Southern District of Texas and within the jurisdiction of the Court, the defendant,

ROBERTO SANTANA MEARS,

did knowingly make a false statement or representation to Houston Cutlery, LLC Houston Gun Shop, in Houston, Texas, a business licensed under the provisions of Chapter 44 of Title 18 United States Code, with respect to the information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Houston Cutlery, LLC Houston Gun Shop, in Houston, Texas, in that the defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, in which the defendant, answered "yes" to question 11a of Form 4473 which asked, "Are you the actual transferee/buyer of the firearm listed on this form?" Whereas, in truth and in fact, the answer was

no.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 924(a)(1)(D).

COUNT THREE

On or about October 29, 2013, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

JAVIER RESENDEZ,

did knowingly aid, abet, and assist the making of false statements or representations to a licensed firearms dealer, to wit: Terry Lindsey DBA Talco Arms, licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to the information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of the licensed firearms dealers, in that the defendant did aid, abet and assist in the execution of a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Forms 4473, Firearms Transactions Records, in which I.I. answered that she was the true purchaser of the firearms, whereas in truth and in fact, I.I. was not the true purchaser of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A), 924(a)(1)(D), and 2.

COUNT FOUR

On or about November 9, 2013, in the Corpus Christi Division of the Southern District of Texas and within the jurisdiction of the Court, the defendant,

JAVIER RESENDEZ,

after having been previously convicted of a crime punishable by imprisonment for a term exceeding one (1) year, did knowingly possess in and affecting foreign and interstate commerce a

firearm, to wit: a ROMARM/CUGIR, Model GP-WASR-10/63, 7.62X39 caliber rifle, serial number A1-5345-13 .

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FIVE

On or about November 9, 2013, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

ARTURO GARCIA,

did knowingly aid, abet, and assist the making of false statements or representations to a licensed firearms dealer, to wit: Terry Lindsey DBA Talco Arms, licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to the information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of the licensed firearms dealers, in that the defendant did aid, abet and assist in the execution of a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Forms 4473, Firearms Transactions Records, in which I.I. answered that she was the true purchaser of the firearms, whereas in truth and in fact, I.I. was not the true purchaser of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A), 924(a)(1)(D), and 2.

COUNT SIX

On or about January 24, 2014, in the Corpus Christi Division of the Southern District of Texas and within the jurisdiction of the Court, the defendant,

ABEL LOPEZ,



then being an alien illegally and unlawfully in the United States, did knowingly possess in and affecting interstate or foreign commerce, three (3) firearms, to wit: a Norinco, Model MAK90, 7.62x39mm caliber rifle, serial number 42668; a Norinco, Model MAK90, 7.62x39mm caliber rifle, serial number 37004641; and, a Beretta, Model 3032 Tomcat, .32 auto caliber pistol, serial number DAA096374.

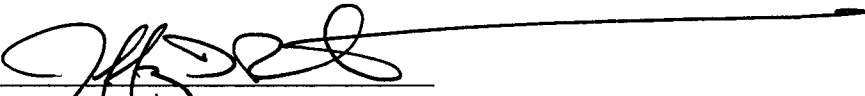
In violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2).

A TRUE BILL:  
ORIGINAL SIGNATURE ON FILE  
FOREPERSON OF THE GRAND JURY

KENNETH MAGIDSON  
UNITED STATES ATTORNEY

By:

  
HUGO R. MARTINEZ  
Assistant United States Attorney

  
JEFFREY D. PRESTON  
Assistant United States Attorney